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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13
14 JOHN BAMFORTH, ALISE
15 BAMFORTH, JESSICA ENAMORADO,
CYNTHIA LIERA, individually and on
16 behalf of all those similarly situated,

17 Plaintiff,

18 vs.

19 STATE FARM MUTUAL AUTOMOBILE
20 INSURANCE COMPANY, DOES 1
21 through 10,

22 Defendants.

CASE NO.: 2:21-cv-00712-APG-BNW

STIPULATION AND PROPOSED
ORDER EXTENDING DEADLINE FOR
PLAINTIFFS TO FILE AMENDED
COMPLAINT

23
24 Plaintiffs JOHN BAMFORTH, ALISE BAMFORTH, JESSICA ENAMORADO and
25 CYNTHIA LIERA ("Plaintiffs"), by and through their counsel of record, Robert T. Eglet, Esq.,
26 Tracy A. Eglet, Esq., and Danielle C. Miller, Esq. of the law firm EGLET ADAMS and Matthew
27 L. Sharp, Esq. of the law firm MATTHEW L. SHARP, LTD., and Defendant STATE FARM
28 MUTUAL AUTOMOBILE INSURANCE COMPANY ("State Farm"), by and through its

1 counsel of record, Karie N. Wilson, Esq. of the law firm ALVERSON TAYLOR & SANDERS,
2 and Frank Falzetta, Esq. and Anna McLean, Esq. of SHEPPARD MULLIN RICHTER &
3 HAMPTON, LLP for good cause shown, hereby stipulate and agree as follows:

4 1. Plaintiffs filed their Complaint in the Eighth Judicial District Court for Clark
5 County, Nevada, Case No. A-21-829883-C. Defendant State Farm removed this action to this
6 Court on April 30, 2021.

7 2. On May 7, 2021, State Farm moved to dismiss Plaintiffs' Complaint [ECF No. 13]
8 (the "Motion").

9 3. Plaintiffs filed their Response to State Farm's Motion on June 7, 2021 [ECF No.
10 30].

11 4. State Farm filed a Reply in support of the Motion on June 24, 2021. [ECF No. 34].

12 5. That after Judges Richard F. Boulware, II and James C. Mahan recused themselves,
13 on March 11, 2022, the Honorable Andrew P. Gordon granted State Farm's Motion to Dismiss.
14 The Court granted Plaintiffs leave to file an Amended Complaint "if facts exist to do so" by Friday,
15 April 8, 2022 [ECF No. 44].

16 6. Because the claims that were dismissed must be pled with particularity, Plaintiffs
17 need additional time to review relevant documents dating to the beginning of the COVID-19
18 pandemic. Given how much time has passed and given the burden of pleading Plaintiffs' claims
19 with particularity, Plaintiffs need additional time to thoroughly review their records to obtain this
20 information.

21 7. Thus, the Parties hereby stipulate that Plaintiffs shall have until May 11, 2022 to
22 file an Amended Complaint.

23 8. That State Farm shall have an extension of thirty (30) days to file a Motion to
24 Dismiss Plaintiffs' Amended Complaint, or until June 24, 2022.

25 9. The Parties agree that discovery remains stayed pursuant to the order of Magistrate
26 Judge Brenda Weksler dated July 9, 2021 [ECF. 37] pending Plaintiffs filing an Amended
27 Complaint and resolution of Defendant's anticipated Motion to Dismiss Plaintiffs' Amended
28 Complaint.

1 10. In this District, requests to stay discovery may be granted when: (1) the pending
2 motion is potentially dispositive; (2) the potentially dispositive motion can be decided without
3 additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the
4 potentially dispositive motion. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011).
5 In doing so, the court must consider whether the pending motion is potentially dispositive of the
6 entire case, and whether that motion can be decided without additional discovery. *See Federal*
7 *Housing Finance Agency v. GR Investments LLC*, Case No. 2:17-cv-03005-JAD-EJY, 2020 WL
8 2798011 at *3 (D. Nev. May 29, 2020) (granting motion to stay discovery pending resolution of
9 potentially dispositive motion for summary judgment); *see also Mintun v. Experian Information*
10 *Solutions, Inc.*, 2:19-cv-00033-JAD-NJK, 2019 WL 2130134 at **1-2 (D. Nev. May 15, 2019)
11 (granting motion to stay discovery pending resolution of potentially dispositive motion to dismiss).

12 11. The Parties agree that State Farm’s anticipated Motion to Dismiss raises potentially
13 dispositive legal and jurisdictional defenses to Plaintiffs’ claims concerning State Farm’s auto
14 insurance rates during the COVID pandemic.

15 12. If the Court denies State Farm’s Motion to Dismiss, in whole or in part, the Parties
16 agree to submit a Discovery Plan and Scheduling Order within thirty (30) days after entry of the
17 Court’s Order on the Motion.

18 13. The Parties respectfully suggest that good cause exists to enter the stipulated stay
19 of discovery to preserve judicial and party resources and based on application of the factors set
20 forth in paragraph 11, above.

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EGLET ADAMS

14. The Parties represent that this stipulation is sought in good faith, is not interposed for delay, and is not filed for an improper purpose.

DATED this 21st day of March, 2022.

DATED this 21st day of March, 2022.

EGLET ADAMS

ALVERSON TAYLOR & SANDERS

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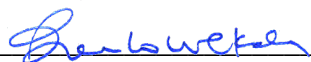
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*Attorneys for Defendant
State Farm Mutual Automobile
Insurance Company*

ORDER

Based upon the Parties' stipulation and GOOD CAUSE APPEARING THEREFOR, IT IS
SO ORDERED:

IT IS SO ORDERED.


United States Magistrate Judge

DATED: March 22, 2022